

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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PETER TOKAR,

Plaintiff,

ORDER
08-CV-4573 (ADS) (ARL)

-vs.-

8 WHISPERING FIELDS ASSOCIATES, LTD., WILLIAM
SOEHL, R.A. and ROOSKA HOME IMPROVEMENT
DEVELOPMENT,

Defendants.
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APPEARANCES:

Foster & Vandenburg, LLP

Attorneys for the plaintiff

220 Roanoke Avenue

Riverhead, NY 11901

By: Richard W. Vandenburg, Esq., Of Counsel

NO APPEARANCE:

Defendants 8 Whispering Fields Associates, Ltd., William Soehl, R.A., and Rooska
Home Improvement Development

SPATT, District Judge.

Following the default of the defendants, on February 16, 2010, the Court adopted a Report and Recommendation issued by United States Magistrate Judge Arlene R. Lindsay awarding the plaintiffs \$2,790 in attorneys' fees and \$630 in costs and denying the plaintiff's request for damages with leave to file a renewed application "either indicat[ing] his intention to pursue statutory damages or provid[ing] evidence of his actual damages." (02/16/10 Order at 2.)

On March 10, 2011, the plaintiff filed an Amended Statement for Damages, in which he seeks statutory damages under 17 U.S.C. § 504(c)(1) in the amount of \$30,000 against each of the defendants. Subsequently, on April 22, 2011, the Court referred this matter back to Judge Lindsay for an inquest as to the statutory damages.

On December 13, 2011, Judge Lindsay issued a Report and Recommendation, recommending that the Court award the plaintiff statutory damages against defendants, jointly and severally, in the amount of \$30,000. To date, there have been no objections filed to Judge Lindsay's Report.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Lindsay's Report and finds it to be persuasive and without any legal or factual errors. There being no objection to Judge Lindsay's Report, it is hereby

ORDERED, that Judge Lindsay's Report and Recommendation is adopted in its entirety. The Court awards the plaintiff statutory damages against the defendants, jointly and severally, in the amount of \$30,000, and it is further

ORDERED, that the Clerk of the Court is directed to enter judgment in favor of the plaintiff in the amount of \$30,000, and it is further

ORDERED, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
March 2, 2012

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge